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SERIES I No. 27

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

No. 2

GOVERNMENT OF GOA

Law (Legal and Legislative Affairs) Department

Notification

7-22-88/LA

The Goa Industrial Development (Amendment) Act, 1988 (Goa Act 10 of 1991) which has been passed by the Legislative Assembly of Goa on 7-4-1988 and assented to by the President of India on 21-9-1991, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 4th October, 1991.

The Goa Industrial Development (Amendment) Act, 1988

Goa Act No. 10 of 1991 [21-9-1991]

AN

ACT

to amend the Goa, Daman and Diu Industrial Development Act, 1965.

Be it enacted by the Legislative Assembly of Goa in the Thirty-ninth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa Industrial Development (Amendment) Act, 1988.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force at once, except clause 8 which shall be deemed to have come into force from the appointed date.

2. *Amendment of Section 2.*— In Section 2 of the Goa, Daman and Diu Industrial Development Act, 1965 (Act 22 of 1965) (hereinafter referred to as the "Principal Act") for Clause (m) the following Clause shall be substituted, namely:—

(m) "State Government" means the Government of Goa.

3. *Amendment of Section 4.*— For Section 4 of the Principal Act, the following Section shall be substituted, namely:—

"4. *Constitution.*— (1) The Corporation shall consist of the following nine directors that is to say—

(a) Secretary (Industries);

(b) Secretary (Finance) who shall be the Financial Advisor to the Corporation;

(c) Chief Electrical Engineer;

(d) Director of Industries;

(e) President, Goa Chamber of Commerce and Industry;

(f) President, Small Scale Industries Association;

(g) An Architect or Environment Expert, to be nominated by the Government;

(h) A person having shown capacity in industry or commerce, to be nominated by the Government;

(i) The Managing Director of the Corporation, who shall be the Chief Executive of the Corporation, shall also be the Ex-officio Secretary to the Corporation.

(2) The State Government shall appoint one of the Directors of the Corporation to be the Chairman of the Corporation."

4. *Amendment of section 5.*— In section 5 and in other sections of the principal Act, —

(i) for the words "Chief Executive Officer" wherever they occur, the words "Managing Director" shall be substituted; and

(ii) for the word "member" or "members" wherever it occurs, the word "director" or "directors" shall be substituted respectively.

5. *Amendment of section 6.*— For section 6 of the Principal Act the following section shall be substituted, namely:—

"6. *Terms of office and conditions of service of directors.*— (1) The Chairman and directors of

the Corporation nominated under clauses (g) and (h) of section 4, shall hold office for a period of 3 years from the date of their nomination unless their term of office is terminated earlier by the State Government.

(2) The directors of the Corporation nominated under clauses (e), (f), (g) and (h) of section 4 shall be entitled to draw such honorarium or compensatory allowance for the purpose of meeting the personal expenditure in attending the meeting of the Corporation or of any Committee thereof or when appointed in connection with the work undertaken by or for the Corporation as may be prescribed.

(3) It is hereby declared that the office of director or Chairman of the Corporation, in so far as it is an office of profit under the Government of India, or the Government of any State, or the Government of any Union Territory shall not disqualify the holder for being chosen as, and for being a member of the Legislative Assembly of Goa."

6. *Amendment of section 10.*—In section 10 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) in the absence of Chairman, the directors present shall choose the Presiding Officer to preside over the meeting"

7. *Amendment of section 13.*—In section 13 of the principal Act, (i) in clause (i), for the words "Union Territory of Goa, Daman and Diu" the words "State of Goa" shall be substituted.

(ii) in clause (ii),

(a) sub-clause (c) shall be deleted.

(b) The sub-clause (d) may be substituted as follows:—

"(d) undertake schemes or works either jointly or on agency basis with other corporate bodies or institutions, or with Government in furtherance of the purposes for which the Corporation is established and all matters connected therewith."

8. *Amendment of section 19.*—In section 19 of the principal Act, for the words "loans and advances" wherever they occur, the words and figures "loans, advances and capital contribution" shall be substituted, respectively.

9. *Insertion of new section 37A.*—After section 37 of the Principal Act, the following new section shall be inserted, namely:—

"37A. *Declaration as industrial area.*—(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, the State Government may, by notification in the Official Gazette—

(a) declare an industrial area which is—

(i) earmarked as industrial estate; and

(ii) having adequate facilities in respect of power, roads, water supply, to be notified area;

(b) appoint the Corporation or any Officer or Committee thereof for the purpose of the assessment and recovery of any taxes when imposed as per the provisions made thereof;

(c) declare that the provisions of any law relating to local authorities providing for Control or erection of buildings, levy and collection of taxes, fees and other dues to the local authority which is in force in that area shall cease to apply and thereupon such provisions shall cease to apply thereof;

Provided that:

Only the Village Panchayats which were receiving house tax under the Village Panchayat Regulation from the occupants in the industrial estates shall be compensated by the Government to the extent of the last financial year's collection of taxes for such period which will not be less than five years.

(d) Make other provision as is necessary for the purpose of the enforcement of the provision so provided to that area.

(2) Before the publication of a notification under Sub-section (1), the Government shall cause to be published in the Official Gazette and also in at least one newspaper published in a language other than English and circulating in the area to be specified in the notification, and inviting all persons who entertain any objections to the said proposal to submit the same in writing with reasons therefor to the Government within two months from the date of publication of the proclamation in the Official Gazette.

(3) No such notification under sub-section (1) shall be issued by the Government, unless the objections, if any, so submitted under sub-section (2) are in its opinion insufficient or invalid."

10. *Amendment of section 49.*—For section 49 of the principal Act, the following section shall be substituted, namely:—

"49. *Penalty for obstruction.*—(1) Any person who obstructs the entry of a person authorised under section 35 or any person with whom the Corporation has entered into a contract in the performance and execution by such person, to enter into or upon any land or building or molests such person after such entry or who obstructs the lawful exercise by him of any power conferred by or under this Act shall, on conviction by a competent court be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) If any person removes any mark set up for the purpose of indicating any level, boundary line, or direction necessary to the execution of works authorised under this Act, he shall, on conviction be punished with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 1000/- or with both."

11. *Insertion of new section 52A.*—After section 52 of the principal Act, the following new section shall be inserted, namely:—

"52A. *Notice to suit and limitation of suits against Corporation, its Committees, Officers and*

servants for acts done in pursuance of execution of this Act. — (1) No suit shall lie against the Corporation or against any Committee constituted under this Act, or against any Officer, or servant of the Corporation in respect of any act done in pursuance or execution or intending execution of this Act, or in respect of any alleged neglect, or default in the execution of this Act, —

(a) unless it is commenced within six months after the accrual of the cause of action; and

(b) until the expiration of two months after the notice in writing has been in the case of the Corporation or its Committee, delivered or left at the Corporation's office and in the case of an officer or servant of Corporation, delivered to him or left at his Office or place of abode; and all such notices shall state with reasonable particulars the cause of action and the name and place of abode of the intending plaintiff and of his advocate, pleader or agent, if any, for the purpose of the suit.

(2) If the defendant in any such suit is an officer, or servant of the Corporation, payment of any sum or part thereof payable by him in or in consequence of the suit may, with the sanction of the Corporation, be made from the Corporation funds".

12. *Addition of new section 55.* — After section 54 of the principal Act, the following new section shall be added, namely: —

"55. *Act to have overriding effect.* — The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law."

Secretariat Annexe

Panaji,

Dated: 4-10-1991

B. S. SUBBANNA,

Secretary to the Government of Goa,
Law Department (Legal Affairs)